

INSTRUCTIONS FOR UNFAIR LABOR PRACTICE FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) processes unfair labor practice cases under Chapters 391-45, 10-08, and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. WHO CAN FILE** An employee organization can file and process a complaint concerning employees it represents or is seeking to organize. An employer can file and process a complaint against a union that represents or is seeking to organize its employees. Individual employees can file and process complaints alleging "interference" or "domination" or "discrimination" violations, but do not have legal standing to file or process "refusal to bargain" claims.
- C. FORM** Fill in all blanks for which you have information (you are not required to know what representative another party will use).

PARTIES

- Each case must arise out of an employment relationship with a named "Employer" that is subject to PERC jurisdiction.
- The "Respondent" is the employer or organization accused of committing an unfair labor practice. (You must file a separate complaint for each respondent.)
- The "Complainant" is the employee, organization, or employer who files a complaint with PERC. (An organization may file a complaint on behalf of a group of employees, but individual employees with similar claims must each file their own separate complaints with PERC.)

ALLEGED VIOLATIONS More than one of the following may be checked:

- Employer interference is under RCW 28B.52.073(1)(a); 41.56.140(1); 41.59.140(1)(a); 41.76.050(1)(a); or 41.80.110(1)(a);
- Employer domination is under RCW 28B.52.073(1)(b); 41.56.140(2); 41.59.140(1)(b); 41.76.050(1)(b); or 41.80.110(1)(b);
- Employer discrimination is under RCW 28B.52.073(1)(c); 41.56.140(1); 41.59.140(1)(c); 41.76.050(1)(c); or 41.80.110(1)(c);
- Employer discrimination for filing charges or giving testimony is under RCW 28B.52.073(1)(d); 41.56.140(3); 41.59.140(1)(d); 41.76.050(1)(d); or 41.80.110(1)(d);
- Employer refusal to bargain is under RCW 28B.52.073(1)(e); 41.56.140(4); 41.59.140(1)(e); 41.76.050(1)(e); or 41.80.110(1)(e);
- Union interference is under RCW 28B.52.073(2)(a); 41.56.150(1); 41.59.140(2)(a); 41.76.050(2)(a); or 41.80.110(2)(a);
- Union inducing employer to commit a violation is under RCW 28B.52.073(2)(b); 41.56.150(2); 41.59.140(2)(b); 41.76.050(2)(b); or 41.80.110(2)(b);
- Union discrimination for filing charges or giving testimony is under RCW 28B.52.073(2)(c); 41.56.150(3); 41.59.140(2)(a); 41.76.050(2)(c); or 41.80.110(2)(c);
- Union refusal to bargain is under RCW 28B.52.073(2)(d); 41.56.150(4); 41.59.140(2)(c); 41.76.050(2)(d); or 41.80.110(2)(d).

STATEMENT OF FACTS ATTACH a statement of facts on separate sheets, setting forth clear and concise statements of the facts constituting the alleged unfair labor practices (including times, dates, places and participants in occurrences). Use numbered paragraphs.

REMEDY REQUESTED ATTACH a remedy request on separate sheets, setting forth the remedies requested for the claimed unfair labor practices.

BARGAINING UNIT

- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Insert the number of employees in the bargaining unit.
- ATTACH a copy of the collective bargaining agreement, if one exists (unbound documents are preferred).
- Describe the status of any grievance on the same subject as the unfair labor practice complaint.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.

If more space is needed, ATTACH ADDITIONAL SHEETS.

- D. FILING WITH PERC** See WAC 391-08-120(1) and (2). Papers are "filed" only when actually received by PERC by ONE of these methods:
- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
 - File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
 - File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.
- E. COPIES TO OTHER PARTIES** See WAC 391-08-120(3) through (5). A party that files any papers with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.
- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
 - Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
 - Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
 - Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
 - Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

- F. NORMAL CASE PROCESSING** The steps that usually occur in unfair labor practice cases are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.